

REMARKS

No new matter is added by this amendment. The present application was filed on November 11, 2005 with original claims 1-10. By this amendment, claim 1 has been amended and claim 2 has been cancelled. The claims remaining in consideration are claims 1 and 3-10, of which claim 1 is the only independent claim. Reconsideration is respectfully requested.

The Examiner objected to the drawings. A revised set of drawings with appropriate hatching are being filed herewith.

Claims 1, 3 and 8-10 were rejected under 35 USC §102(b) as being anticipated by US Patent 5,402,818 (Kasugai). Amended independent claim 1 sets forth a valve assembly able to be mounted with a liquid container. The valve assembly includes a housing, a liquid inlet, and a breather float valve. The housing has a passageway that extends through the housing and has openings for liquid in the container to pass in and out of the passageway. The liquid inlet forms part of the housing and allows fluid to pass into the housing. The inlet float valve is mounted within the housing and is movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet. The breather float valve is mounted within the housing and is movable with liquid level in the housing between an open position to allow gas to pass through the passageway and out of the housing, and a closed position that prevents liquid from passing through the passageway and out of the housing. The valve assembly is characterized in that it includes a relief valve that is movable between an open position and a closed position to allow pressure to be relieved from the container.

Claim 1 has now been amended to include a breather float valve mounted within the housing. The breather float valve is ***movable with liquid level*** in the housing between an open position to allow gas to pass through the passageway and out of the housing and a closed position that prevents liquid from passing through the passageway and out of the housing. The Applicant submits that a breather valve having these features are not anticipated by Kasugai.

Kasugai et al discloses a breather valve which allows gas to pass from the fuel tank into the atmosphere via a positive pressure regulating valve mechanism 30 and allows gas to pass from the atmosphere into the fuel tank via a negative pressure regulating valve mechanism 50. The operation of the positive pressure regulating valve mechanism is described at column 13, lines 12-35, corresponding to FIG. 5. The operation of the negative pressure regulating valve mechanism 50 described at column 13, line 36, to column 14, line 8, corresponding to FIG. 6. The operation of the breather valve in Kasugai is solely dictated by pressure differentials between the atmosphere and the fuel tank. That is, when there is a difference between the pressure within the fuel tank and atmospheric pressure, then the breather valve is activated.

This is very different to the breather valve arrangement as claimed in the Applicant's Patent Application. The breather valve as claimed between an open and a closed position in response to movement of a liquid level within the housing. That is, liquid moves the breather float valve from the open position in which gas is allowed to pass through the passageway and out of the housing to a closed position in which the breather float valve prevents liquid from passing through the passageway and out of the housing. The breather float valve moves between an open and a closed position via liquid acting on the breather float valve and not via gas pressure as disclosed in Kasugai.

Since Kasugai does not include each and every limitation of independent claim 1, applicants respectfully assert that the §102(b) rejection is improper and must be withdrawn.

Claims 3 and 8-10 are ultimately dependent upon allowable claim 1. Therefore, based on the arguments above and their own merits, applicants respectfully assert that claims 3 and 8-10 are also allowable.

Claims 4-7 were rejected under 35 USC §103(a) as being unpatentable over Kasugai in view of US Patent 2,827,915. However, claims 4-7 are also ultimately dependent upon allowable claim 1. Therefore for the reasons set forth above, and based on their own merits, applications respectfully assert that claims 4-7 are also allowable.

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Serial No.: 10/533,164
Group Art Unit: 3753

The proper fee for a one-month extension of time is submitted herewith. If any additional fees are necessary, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

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Date

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